

REMARKS

Claim status

With this Response, claim 40 is amended and new claims 90-94 are added. Support for the amendments to claim 40 can be found, for example, on page 4, lines 3-10. Support for new claims 90-92 can be found, for example, on page 10, lines 2-5. Support for new claims 93 and 94 can be found, for example, on page 4, lines 7-10. No new matter is added. Claims 40, 42-44, 46, 47, 49-62, 85 and 90-94 are pending and presented for examination.

Applicant specifically reserves the right to pursue the subject matter of the canceled or amended claims in a related application. Each of the objections and rejections levied in the Office Action is addressed individually below.

Rejection under 35 U.S.C. § 103(a) for obviousness

Claims 40, 42-44, 46, 47, 49-62 and 85 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the sole lost count of Patent Interference No. 105,406 ("lost count") in view of U.S. Patent No. 6797313 ("Fritzemeier") and U.S. Patent No. 6172009 ("Smith").

The pending claims recite a method of producing an oriented oxide superconducting film from a metal oxyfluoride film. As amended, the claimed methods include a step of initiating conversion of the metal oxyfluoride into the oxide superconductor in a processing gas that has **a moisture content of less than 1% by mass and a total pressure of less than about 8 Torr.**

In comparison, the lost count simply recites **"the presence of oxygen and water vapor at a sub-atmospheric pressure"** (i.e., less than 760 Torr). Neither Fritzemeier nor Smith provide a teaching that would cause a person skilled in the art to modify this process in such a way that it would read on the claimed process. In particular, neither reference teaches the use of a processing gas which has **both a moisture content of less than 1% by mass and a total pressure of less than 8 Torr.** Therefore, even if we assume that the lost count could have been combined with the teachings of Fritzemeier and/or Smith, a person of ordinary skill still would not achieve the claimed invention.

For these reasons, Applicant respectfully submits that the claimed methods are not obvious in view of teachings of the lost count together with the teachings of Fritzemeier and/or Smith. Applicant therefore respectfully requests that the rejection under 35 USC § 103(a) be withdrawn.

Conclusion

Applicant would like to thank the Examiner for his time and consideration of this case. If a further telephone conversation would help clarify any issues, or help expedite allowance of this case, Applicant invites the Examiner to contact the undersigned at (617) 248-4793.

It is believed that all fees due with this response are being submitted herewith. To the extent that there are any discrepancies between what Applicant has paid with this paper and what the USPTO believes is owed, please apply any charges or credits to deposit account 03-1721, referencing Attorney Docket No. 0492611-0545. Applicant respectfully requests that a Notice be issued explaining any such discrepancy.

Respectfully submitted,

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